

The Applicant added claims 17-21 that are dependent from claim 11 and recite limitations to a combined species I and II. This would appear to make claim 11 generic to species II and the combination of species I and II (as recited in claims 17-21). This would be an “additional species which [is] written in dependent form” as allowed under the rules. There is no rule which prohibits the Applicant from further limiting the claims by submitting further dependent claims to the same or different species in dependent form to a generic claim, in this case claim 11. The claims are merely restricted to the elected species until a generic claim is allowed. Applicant respectfully traverses the Examiner’s requirement that “Applicant is advised to … set forth only claims that are directed to the elected species” because additional species in dependent form are allowed under the rules as long as the Applicant elects a species. See MPEP §§809.02 and 809.02(b) and especially as here, where the additional claims merely further modify the independent claim.

Applicant then under the rules would merely need to elect Species II and if claim 11 were finally held allowable, both species II and the combined species I and II would be held allowable. Applicant submits then, that the election of Species II conformed to the requirements for election of Species. Unless the Examiner is making the argument that claims 17-21 read ONLY on species I and not on species II, this election should be proper. Applicant states for the record that Applicant elects species II and that claims 11-21 read on Species II. At least claim 11 is generic to the species of claim 11 and the combined species of claims 17-21.

The use of both species together is clearly set forth in the specification. As recited on page 10, “As shown in Figure 3, instead of selecting NPOs, or in addition to selecting

NPOs, the purchaser may select a particular cause or issue to vote for." (Emphasis added) As shown in Figure 3 and discussed in the text, in this way a user can simply choose an NPO to receive a commission and then can choose a candidate to receive an award. Neither process would necessarily interfere with the other. One skilled in the art would recognize that selecting an NPO and then a candidate would not require any additionally programming or conflict resolution from just selecting an NPO or a candidate.

Additionally, the award as an incentive to the cause could take the form of a commission as recited in the claims by assigning the commission to the winning party in a vote. See page 11, lines 11-14, "Additional incentives could be provided to the causes to encourage that they sign up on the PPS or to provide charitable contributions to the causes. This can take the form of either assigning the commission to the cause or a hybrid of incentives and awards."

It is therefore submitted that the specification provides support for both paying commissions and tabulating votes and for paying commissions based on the tabulated votes.

Summary

Applicants have made a diligent and bona fide effort to answer each and every ground for rejection or objection to the specification including the claims and to place the application in condition for final disposition. Reconsideration and further examination is respectfully requested, and for the foregoing reasons, Applicant respectfully submits that this application is in condition to be passed to issue and such action is earnestly solicited. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Robert N. Blackmon, Applicants' Attorney at 703-684-5633 to satisfactorily conclude the prosecution of this application.

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Respectfully submitted,



Merek, Blackmon & Voorhees, LLC
673 S. Washington St.
Alexandria, Virginia 22314
Tel. 703-684-5633
Fax. 703-684-5637
E-mail: RNB@MBV-IP.com

Robert N. Blackmon
Reg. No. 39494
Attorney/Agent for Applicant(s)